

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 2054**

In the Matter of)	
)	
Implementation of Sections 309(j) and 337)	
of the Communications Act of 1934, as)	WT Docket No. 99-87
Amended)	
)	
Promotion of Spectrum Efficient)	RM-9932
Technologies on Certain Part 90 Frequencies)	

**REPLY COMMENTS OF THE INTERNATIONAL MUNICIPAL SIGNAL
ASSOCIATION**

The International Municipal Signal Association (“IMSA”) submits the following reply comments in response to the initial comments of others on IMSA’s request for waiver of Sections 90.203(j)(4)-(5) of the Commission’s rules.^{1/} Only two substantially similar comments were submitted opposing the Waiver Request, neither of which contradict the fundamental premise of the request – that enforcement of 6.25 kHz capability requirements will unnecessarily require *all* Part 90 users to purchase more fully-featured and expensive equipment, when other equipment will satisfy the needs of some public safety users who otherwise could not afford any radios. The land mobile marketplace is diverse and the Commission should recognize that not all users need the same type of equipment. Nothing in the Waiver Request will inhibit the migration to narrower-bandwidth technologies already well underway. In contrast, grant of the Waiver Request would be consistent with the Commission’s establishment of an analog (and therefore 12.5 kHz channel) interoperability requirement for public safety communications.

^{1/} See *Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, and Office of Engineering and Technology Seek Comment on Request Filed by the International Municipal Signal Association for Waiver of Section 90.203(j)(4)-(5) of the Commission’s Rules*, Public Notice, WT Dkt. No. 99-87, RM-9332 (rel. Sept. 26, 2016); *International Municipal Signal Association Request for Waiver*, WT Dkt. No. 99-87, RM-9332 (filed Aug. 19, 2016) (“Waiver Request”).

I. IMSA's Cost Concerns Are Not Speculative

The Waiver Request asserted that the price of radios with 6.25 kHz capability is higher because of, among other things, the additional complexity of those devices, and argued that it was contrary to the public interest to require all users to acquire these additional radios when less expensive units were available.^{2/} The Government Wireless Technology & Communications Association (“GWTCA”) and Icom America, Inc. (“Icom”) disagree, but without any support.^{3/} To the contrary, the record demonstrates otherwise. Powerwerx observes that while digital radios cost first responders from between \$2,000 and \$5,000 per unit, Powerwerx makes available radios from between \$125 and \$200, allowing them to communicate with dispatchers or other surrounding agencies.^{4/} Ritron, Inc. (“Ritron”) explains that this price differential is based on, among other things, two increased costs – the cost of supporting the 6.25 kHz equivalent technology itself and the cost of supporting the standard for the voice compression required to support 6.25 kHz technology.^{5/} Accordingly, contrary to GWTCA’s assertion, there will be immediate and real benefits to users upon Commission grant of the Waiver Request – they will be able to secure devices for lower cost. In some cases this will mean the difference between being able to purchase equipment or doing without.

IMSA pointed out that while existing devices can be sold indefinitely, any change to those devices would require them to implement the costly upgrade to 6.25 kHz or equivalent efficiency capability. Ritron agreed, noting that “the ability of a manufacturer to . . .

^{2/} See Waiver Request at 3-6.

^{3/} See Comments of the Government Wireless Technology & Communications Association, WT Dkt. No. 99-87, RM-9332, at 2-4 (filed Oct. 26, 2016) (“GWTCA Comments”); Comments of Icom America, Inc., WT Dkt. No. 99-87, RM-9332, at 4 (filed Oct. 26, 2016) (“Icom Comments”).

^{4/} See Comments of Powerwerx, WT Dkt. No. 99-87, at 1 (filed Oct. 26, 2016).

^{5/} See Comments of Ritron, Inc., WT Dkt. No. 99-87, at 2 (filed Oct. 24, 2016) (“Ritron Comments”).

modify/improve an existing product via a Class II Permissive Change, is stifled by the cost and complexity impact of the 6.25 kHz efficiency rules.”^{6/}

II. Grant of the Waiver Would Be Consistent with Commission Policy

The Commission can grant the Waiver Request without affecting the migration to a 6.25 kHz efficiency operations standard. As GWTCA recognizes, “given the growth in acquisition of 6.25 kHz capable equipment, it is unlikely that the Commission will ever need to take action on a mandatory transition date.”^{7/} IMSA agrees. Many first responders are well on the way to converting to 6.25 kHz or equivalent efficiency capable equipment; nothing that the Commission does in response to the Waiver Request will reverse that trend because those agencies have made a decision that, in addition to other things, their operational requirements encourage them to deploy radios with the capabilities that digital technologies and 6.25 kHz efficiency offer. However, not all users should be required to make the same decision, particularly if their needs can be satisfied with analog devices that offer the analog FM capabilities that the Commission has mandated for interoperability.

GWTCAs also argues that the Waiver Request should not be granted because, sometime in the indeterminate future, the Commission may change its rules to mandate the use of 6.25 kHz or equivalent efficiency channels, as it did with 12.5 kHz channels.^{8/} First, the Commission has neither adopted nor proposed conversion. Second, users should be permitted to make the choice of whether to obtain equipment now that may need to be replaced in the future. They do not need the Commission to engage in that calculus for them.

^{6/} Ritron Comments at 3.

^{7/} GWTCAs Comments at 2.

^{8/} See GWTCAs Comments at 3.

The Waiver Request noted that the Commission recently required public safety radios in the bands at question to support analog transmissions in order to facilitate interoperability.^{9/} Grant of the Waiver Request is consistent with that requirement and the Commission's appropriate focus on interoperability. Icom argues that "[a]lmost all 6.25 kHz radios include analog capability as well, providing interoperability in the analog mode of operation."^{10/} IMSA agrees that dual mode 6.25 kHz digital/12.5 kHz analog FM radios could also support interoperability. But, as demonstrated above, they are also more costly. Requiring the purchase of more costly radios when more affordable radios can satisfy the interoperability requirements is not in the public interest.

Both Icom and GWTCa argue that the Commission should refrain from mandating a single 6.25 kHz technology.^{11/} IMSA takes no position on this request except to observe that grant of the Waiver Request would not implicate this issue at all. Instead, the Waiver Request simply seeks to allow some manufacturers to change or add features to existing products without the need to also include 6.25 kHz capabilities – regardless of the technology – in the radios (which would make the units more expensive).

III. Conclusion

As IMSA has demonstrated, granting the waiver of Sections 90.203(j)(4)-(5) of the Commission's rules (1) will allow users to select equipment that meets their needs and budgets; (2) will simultaneously permit the continued migration to narrower-bandwidth or equivalent efficiency technologies; and (3) would be consistent with the analog interoperability requirement

^{9/} See Waiver Request at 3.

^{10/} Icom Comments at 4.

^{11/} See Icom Comments at 5-6; GWTCa Comments at 3-4.

for public safety communications. In light of the above, the Commission should act in the public interest and grant the Waiver Request.

Respectfully submitted,

**INTERNATIONAL MUNICIPAL SIGNAL
ASSOCIATION**

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